*****REDACTED – FOR PUBLIC INSPECTION*****

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November 16, 2004

Memorandum of Ex Parte Communication

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325-Lobby
Washington, D.C. 20554

Re: ***CC Docket No. 01-338, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers***

CC Docket No. 04-313, Unbundled Access to Network Elements

Dear Ms. Dortch:

SBC submits the attached declaration of Rebecca Sparks and Scott J. Alexander in response to the November 2, 2004 *ex parte* filed by CompTel/ASCENT, ALTS, and a group of CLECs. The CLECs previously presented a study created by QSI Consulting that purported to summarize the results of state proceedings conducted under the since-vacated delegation of authority in the *Triennial Review Order*. In their declaration of October 19, 2004, Rebecca Sparks and Scott J. Alexander examined the state evidentiary records in depth and refuted QSI's erroneous assertions.

The CLECs latest effort, a rebuttal declaration from QSI's Gary Ball, purports to respond to SBC's reply comments and the October 19, 2004 declaration. The attached joint declaration demonstrates that QSI's rebuttal suffers from the same fatal defect that plagued QSI's original study – a failure to acknowledge, analyze or respond to the extensive evidence that refutes QSI's views. As with the original QSI study, QSI's rebuttal again ignores or "filters" that evidence, and thus disregards the vast majority of CLEC-deployed loop and transport facilities.

The evidence assembled in the state *TRO* proceedings confirms SBC's conclusion that CLECs are *not* impaired without unbundled access to dedicated transport and high-capacity loops, particularly in higher-density markets. QSI and the CLECs advocate a contrary position by ignoring or mischaracterizing the evidence. The Commission should reject their faulty analysis.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being electronically filed. I ask that this letter be placed in the files for the proceedings identified above.

You may contact me at (202) 326-8909 should you have any questions.

Sincerely,

Attachments

cc: Scott Bergmann
Matthew Brill
Dan Gonzalez
Christopher Libertelli
Jessica Rosenworcel
Russell Hanser
Jeremy Miller
Tom Navin
Marcus Maher
Christina Langlois
Tim Stelzig
Carol Simpson
Gail Cohen
Ian Dillner
Cathy Zima

Declaration

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Unbundled Access to Network Elements	)	WC Docket No. 04-313
	)	
Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers	)	CC Docket No. 01-338

JOINT DECLARATION OF SCOTT J. ALEXANDER AND REBECCA L. SPARKS ON BEHALF OF SBC COMMUNICATIONS INC.

The undersigned, being of lawful age and duly sworn, do hereby state as follows:

Scott J. Alexander

1. My name is Scott J. Alexander. I am currently employed by SBC as Director - Regulatory Planning & Policy.

Rebecca L. Sparks

2. My name is Rebecca L. Sparks. I am the Executive Director-Planning and Strategy for SBC Operations, Inc.

3. We are the same witnesses that previously presented a declaration in support of SBC's October 19, 2004 reply comments in the above-captioned proceeding.

4. The purpose of this declaration is to respond to the November 2, 2004 *ex parte* filed by CompTel/ASCENT, ALTS, and a group of competing local exchange carriers ("CLECs"). The CLECs previously presented a "study" created by QSI Consulting (the "Study") that purported to summarize the results of state proceedings conducted under the since-vacated delegation of authority in the *Triennial Review Order* ("*TRO*"). In our declaration of October 19, 2004, we examined the state evidentiary records in depth and refuted QSI's erroneous assertions. The CLECs now submit a rebuttal declaration from QSI's Gary Ball that purports to respond to SBC's reply comments and our declaration.

5. QSI's rebuttal suffers from the same fatal defect that plagues QSI's original study – a complete and utter failure to acknowledge, much less analyze or respond to, the extensive evidence that refutes QSI's views. As with the original QSI study,

QSI's rebuttal simply tries to ignore or "filter" that evidence (and thus to ignore the vast majority of CLEC-deployed loop and transport facilities).

6. In rebuttal, QSI and the CLECs make two principal assertions, both of which are palpably incorrect. First, the CLECs contend that none of the incumbent LECs "even attempts to show that there are any material errors in the data underlying the Study or in the Study's conclusions."[1] That is not true: SBC showed that there are numerous errors in the Study's conclusions, and that QSI improperly filtered out the vast majority of the "data underlying the Study." In particular, SBC refuted each of QSI's theories, demonstrating (among other things) that: (1) contrary to QSI's view that "there is virtually no self-provisioning or wholesaling alternative for DS1, DS3 or dark fiber facilities at the capacity limits the Commission adopted in the TRO," the state records contain extensive evidence of deployment above, at, and below those capacity limits; (2) contrary to QSI's anecdotal assertion that building owners have denied access to CLECs (which comes without a single citation to any real-world evidence), the state records show that CLECs have obtained access; and (3) contrary to QSI's claim that third-party data regarding competitive fiber are "unreliable," the state proceedings showed that such data are not only reasonably reliable, but tend to *understate* the extent of competitive deployment.

7. Second, the CLECs are incorrect in asserting that QSI's results were "validated by the assessments of regulators in three major states."[2] In reality, none of the state commissions in those three states "validated" QSI's results or theories or even rendered any decision on the merits of their *TRO* proceedings. For California, QSI's "validation" consists of an unauthorized staff report, which was not adopted by the California PUC. In fact, the Commissioner assigned to the California proceeding has disavowed the staff's views. Similarly, for Michigan, QSI cites only to a proposed decision of an administrative law judge, which (like any proposed decision) does not reflect a decision by the state commission.

8. Finally, QSI's "study" misses the most important point. In this proceeding, the incumbents like SBC are the *only* parties to produce real evidence of competitive deployment. Plainly, the CLECs here could have produced evidence of their own facilities – from their own business records. Instead, they have attempted to provide a self-serving "filter" of the evidence collected in the state proceedings – which was gathered under unlawful impairment rules and under accelerated time frames that both served to understate the evidence of competitive deployment – without providing the supporting details. QSI's "study" and its attempted rebuttal are of no value.

The QSI Study Suffers From Numerous "Material Errors."

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[1] Letter from CLECs to Marlene H. Dortch, Secretary, FCC, transmitting Ball Declaration, at 1 (Nov. 2, 2004) ("QSI Cover Letter").

[2] *Id.*

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11. QSI's rebuttal continues to ignore this evidence, just as its original study did. First, QSI's "study" looked only at customer locations where two or more competing carriers expressly stated that they were serving customers over high-capacity facilities (based on the vacated "trigger" rule), and ignored locations where a single competing provider had deployed its own facilities.[10] Almost by definition, a location that simultaneously supports two or more competing carriers has significant traffic volume, and carriers are accordingly more likely to deploy facilities at capacities above DS1 or DS3 to serve such locations. QSI's "filter" thus limited its analysis to the locations where deployment at the one-or-two DS3 level, or the DS1 level, is *less* likely to be found. It ignored smaller-volume, single-carrier locations where such deployment is *more* likely to be found (and where it has in fact occurred).

12. Second, contrary to QSI's present assertion that "every major CLEC provided detailed lists of the buildings and routes to which they have deployed facilities at the identified capacity levels,"[11] there were several major carriers that omitted capacity information. Where a carrier was *silent* as to the capacity of facilities it had deployed, QSI improperly assumed that the carrier had deployed its facilities in excess of the two-DS3 capacity level for loops (in an effort to manufacture "support" for its theory). QSI's rebuttal is wrong to contend that QSI "left *on* the list all CLECs that indicated they provided loops to a specific location but did not provide the capacity of their facilities."[12] QSI does not provide a single concrete illustration of that assertion – emblematic of QSI's complete failure to provide underlying detail to support or allow testing of any of its assertions. The real-world evidence – and Mr. Ball's own testimony in Illinois – flatly contradicts QSI's view.

13. Mr. Ball's sworn testimony in the Illinois proceeding shows that his methodology was to *exclude* carriers that were silent on capacity, not to leave them on the list as he contends now. As he testified at the time, some competitive providers "did not indicate specific capacity levels at their locations"; he decided it was "reasonable to assume that they are most likely providing an OC(n) level of service into their buildings, unless indicated otherwise."[13] Mr. Ball thus concluded that "*[t]o the extent that the provider . . . did not indicate specific capacity levels, those buildings were filtered out,* and given a designation of NDS3 ('no DS3s') in the 'Filters' column" of his Illinois analysis."[14] QSI cannot seriously claim to have changed its methodology here: its "study" here reached the exact same result on the self-provisioning trigger that Mr. Ball did in the Illinois proceeding – 30 "non-impaired" locations.[15]

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10 QSI Study at 9-10.

11 Ball Declaration ¶ 5.

12 *Id.* ¶ 11.

13 SBC Comments, Attachment A-IL, Ex. 6 Part 22 (Ball Direct) at 16.

14 *Id.* at 16-17 (emphasis added).

15 QSI Study at 12, Table 1.

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. . . *to any customer*" including a carrier, [23] and AT&T's offer expressly includes DS1 and DS3 "speeds."[24]

17. Here, QSI's "filter" was to uncritically accept the self-serving litigation positions of CLECs that either (i) claimed that they did not offer wholesale facilities in a manner that satisfied their interpretation of the trigger, or (ii) provided evasive answers in discovery. According to QSI, it "removed CLECs that . . . swore under oath that they were *not* wholesalers of high-capacity loops."[25] But again, QSI ignored the real-world evidence. Consider, for example, AT&T. AT&T produced written testimony that it had made a "choice" not to offer wholesale loops.[26] But in the real world, AT&T's own public website expressly offers wholesale services "for you" and "for your customers,"[27] and AT&T's "comprehensive" wholesale portfolio includes a "private line" connection from a customer premises to a carrier's point-of-presence.[28] On cross-examination, AT&T's own witness agreed under oath that AT&T "does not differentiate" between customers, and is just as willing to offer a private line to a carrier as it is to any business enterprise, using the same last-mile transmission facilities that it uses for its own loops.[29] It turned out, then, that when AT&T "swore under oath" that it did not offer wholesale loops, AT&T was just parsing words; AT&T was calling its wholesale last-mile offering a "service" rather than a "loop."[30] Even now, QSI simply ignores this evidence, even though it came from AT&T, because it shatters QSI's filter.

18. Transport Facilities. As we noted in our October 19, 2004 Declaration, the state evidentiary records showed that numerous CLECs have established "fiber-based collocation" at a large number of SBC central offices: that is, the CLECs have deployed fiber transport facilities into their collocation spaces and connected those central offices to the rest of their fiber networks.[31] This substantial deployment of transport facilities was virtually undisputed in the state proceedings, and QSI has not disputed it here (either in its original Study or in its rebuttal). Instead, QSI contends that the CLECs' transport facilities should be

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[23] SBC Comments Attach. A-TX Ex. 8 Tr. 395 (Lynott) (emphasis added); Texas PUC Comments, Record Submission for Docket No. 28745, Tr. 395.

[24] Texas PUC Comments, Record Submission for Docket No. 28745, SBC Ex. 20 at 1, SBC Ex. 23 at 1, SBC Ex. 24 at 1, Tr. 398-399; SBC Comments Attach. A-TX Ex. 8 Tr. 398-399 (Lynott).

[25] Ball Declaration ¶ 13.

[26] Texas PUC Comments, Record Submission for Docket No. 28745, AT&T Ex. 3 (Giovannucci Rebuttal Testimony) at 11.

[27] Texas PUC Comments, Record Submission for Docket No. 28745, SBC Ex. 15 (Sparks Direct Testimony) Attachment RLS-9.

[28] Texas PUC Comments, Record Submission for Docket No. 28745, SBC Ex. 20 (private line), SBC Ex. 23 at 1 (entrance facilities), SBC Ex. 24 at 1-2; SBC Comments Attach. A-TX Ex. 8 Tr. 396-399 (Lynott) Texas PUC Comments, Record Submission for Docket No. 28745, Tr. 396-399.

[29] SBC Comments Attach. A-TX Ex. 8 Tr. 395 (Lynott) (emphasis added); Texas PUC Comments, Record Submission for Docket No. 28745, Tr. 395.

[30] SBC Comments Attach. A-TX Ex. 8 Tr. 409 (Lynott); Texas PUC Comments, Record Submission for Docket No. 28745, Tr. 409.

[31] Oct. 19, 2004 Alexander/ Sparks Declaration ¶ 14.

ignored, on the ground that the CLECs deployed facilities "for the sole purpose of aggregating ILEC loops from numerous ILEC offices at a single point and connecting them back to a centralized switching location."[32]

19. But that is exactly the same purpose for which CLECs obtain dedicated transport from incumbents: to "backhaul" traffic from their unbundled loops. As the Commission recognized in the *TRO*, CLECs generally "us[e] dedicated transport to carry traffic from their end user's loops, often terminating at incumbent LEC central offices, through other central offices to a point of aggregation."[33]

20. To illustrate, consider a CLEC that has its own fiber transport facilities linking ILEC central office A to its network, but no fiber of its own at ILEC central office Z. The CLEC would obtain dedicated transport from the incumbent LEC to "backhaul" loop traffic from central office Z to central office A, and from there the CLEC would transport the traffic on its own facilities to its network—specifically, to its switch location. Now, consider a CLEC that has linked both ILEC central offices, A and Z, to its network: the situation that applies to the trigger candidates that QSI tries to ignore. The CLEC would still backhaul loops from central office Z to its switch location — but now, the CLEC would not use (or need to use) the incumbent LEC's facilities for any part of the journey. Rather, it would simply backhaul traffic from A and Z to the CLEC's switch location, using only its own facilities. The CLEC has become "self-sufficient" – which, of course, is the very essence of non-impairment.

21. For this reason, the *TRO*'s self-provisioning trigger rule looked for "transport facilities" in the broadest possible sense, and it did not exclude backhaul facilities from the CLEC "transport" facilities that count toward the trigger.[34] Of course not: any CLEC that has its own transport network, and then connects its network to its collocation arrangements at a pair of SBC central offices, could call the link a "backhaul facility" and therefore exclude it from the trigger. Under QSI's theory, the presence of ten or ten thousand competing transport networks that can carry traffic along a route — which would conclusively demonstrate non-impairment — should be ignored, simply because the CLECs have called the links between their networks and that of SBC "backhaul facilities."

22. GeoResults Data. In its comments here, SBC presented data from an independent third party, GeoResults, which compiles industry data regarding the deployment and location of fiber terminating equipment.[35] The data show extensive deployment of competitive fiber. QSI contends that GeoResults' databases "proved to be an unreliable means of identifying CLEC-owned fiber facilities."[36]

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32 Ball Declaration ¶ 12.

33 *TRO* ¶ 361.

34 47 C.F.R. §§ 51.319(e)(2)(i)(A) and (e)(3)(i)(A). Likewise, the wholesale trigger did not make such an exclusion. 47 C.F.R. §§ 51.319(e)(1)(ii), (e)(2)(i)(B) and (e)(3)(i)(B).

35 SBC Comments at 67-68, 84 & Attach. C.

36 Ball Declaration ¶ 7.

As we showed in our October 19, 2004 declaration, the state proceedings showed just the opposite: that GeoResults is a reasonably reliable source, and if anything its data *understate* the deployment of competitive fiber.[37] We presented data from Illinois showing that competing providers confirmed their deployment of fiber at over 75 percent of the locations identified by GeoResults – and revealed over 70 *additional* locations with two or more competing providers, over and above those identified by GeoResults.[38] Similarly, discovery in California revealed approximately 130 additional locations served by two competing providers, beyond those identified by GeoResults.[39]

23. The Illinois Commerce Commission staff expert accordingly concluded that GeoResults is a reasonably reliable source, absent concrete evidence to the contrary from a competing provider with respect to specific locations.[40] (No such data have been presented by any competing provider in this proceeding.) And the Administrative Law Judge in Illinois concluded that the GeoResults data is "of a type commonly relied on by reasonably prudent persons in the conduct of their affairs."[41] QSI's own Mr. Ball agreed that GeoResults' data were a "good starting point" – an admission that Mr. Ball completely ignores here.[42]

24. True to form, QSI does not contest – or even mention – that evidence. Instead, QSI turns to Michigan, asserting that SBC "eliminate[d]" 36% of the "trigger" locations initially identified by GeoResults.[43] Notably, though, that means that the majority of trigger locations – 64 percent – were *confirmed*. Indeed, for several locations the competing providers initially disputed GeoResults' data, but then checked their records and determined that GeoResults was *correct*.[44]

25. For the remaining few disputed locations, SBC did *not* agree that GeoResults' data were unreliable. Rather, as we explained in our October 19, 2004 declaration, SBC simply withdrew disputed locations without further investigation or litigation, due to the accelerated time frame of the state proceedings and due to SBC's underlying view – which was upheld by the D.C. Circuit – that the state proceedings were unlawful.

26. For the same reasons, QSI is incorrect in asserting that "[i]n subsequent state proceedings for Indiana and Texas, SBC completely *discontinued* its reliance upon GeoResults."[45] Instead, because CLEC discovery responses in those states already showed ample deployment of competitive fiber at a large number of

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37 Oct. 19, 2004 Alexander/ Sparks Declaration ¶ 63.
38 SBC Comments Attach. A-IL Ex. 6 Part 17.
39 SBC Comments Attach. A-CA Ex. 6 Part 18.
40 SBC Comments Attach. A-IL Ex. 6 Part 27 (Liu Rebuttal (Loops)) at 3-4.
41 Ex. 9 hereto (ALJ ruling) at 4.
42 Attachment 1 hereto, at 8.
43 Ball Declaration ¶ 8.
44 Michigan PSC Comments, Record Submission for Case No. U-13796, Exs. A-88 & A-92.
45 Ball Declaration ¶ 8.

locations, SBC chose not to present (and litigate) additional locations in the initial round of state proceedings. Rather, SBC reserved the right to present such locations in future proceedings – as it has done here.

27. Finally, QSI's attempted disparagement of GeoResults is missing the larger point. If the CLECs truly believed GeoResults' data to be unreliable or overstated, they could have presented data from their own business records regarding their deployment of transmission facilities. The parties and the Commission could then investigate any differences. Yet *no* CLEC has presented concrete, specific evidence of competitive deployment here. The unmistakable conclusion is that if the CLECs' evidence were presented (instead of being withheld or "filtered"), it would show GeoResults' data to be reliable – and would likely reveal *still more* competitive deployment, just as the evidence showed in the state proceedings.

28. Building Access. QSI contends that building access is "[o]ne of the biggest obstacles CLECs face when attempting to extend loops to customer premises."[46] Yet QSI does not provide actual evidence to support its claim; in fact, QSI does not cite a *single example* of a *single location* where access was denied or restricted. Here again, the real-world evidence *refutes* QSI's position, and QSI is simply ignoring that evidence. First, competitors have deployed loops (and thus by definition have obtained access) at a large number of locations.[47] Second, one leading competitor stated in discovery that it generally received whatever access it needed to reach customers, a point confirmed by the fact that it has deployed multiple circuits throughout many of its customer locations.[48] A second large competing provider affirmed in discovery that it had access to the "riser cables" (which typically allow carriers to access all customers in a building) in many customer locations.[49]

29. Third, despite contending now that "CLECs also may only be given partial access to a building" QSI's own Mr. Ball admitted on cross-examination that there was no evidence that any carrier had even *asked for* greater access in any of those instances (and no evidence that such access was denied).[50] Mr. Ball's present declaration does not acknowledge his own testimony in the state proceedings. Further, in several locations where one competing provider had limited access (or was silent as to the extent of access that it had) a second competing provider confirmed that it had access to the entire location.[51] It is implausible that a building owner would grant full access to one competing provider while denying such access to another provider, yet QSI does not even address these facts.

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46 *Id.* ¶ 14.

47 Oct. 19, 2004 Alexander/ Sparks Declaration ¶ 61.

48 SBC Comments Attach. A-IN Ex. 7 Part 15; see also SBC Comments Attach. A-CA Ex. 7 Part 16; Texas PUC Comments, Record Submission for Docket No. 28745, SBC Ex. 2A.

49 SBC Comments Attach. A-CA Ex. 7 Part 12; SBC Comments Attach. A-WI Ex. 7 Part 11; Texas PUC Comments, Record Submission for Docket No. 28745, SBC Ex. 5A.

50 Michigan PSC Comments, Record Submission for Case No. U-13796, Tr. 735 (Ball).

51 SBC Comments Attach. A-IL Ex. 6 Part 18 (showing numerous locations, such as 1 Bank One Plaza, where one carrier had full building access while another had partial access).

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Michigan (where Mr. Ball again claims that the carrier provided "conflicting data").[62] Thus, there was no "conflict" in the carrier's responses.

The QSI Study Has Not Been "Validated" By State Regulators

34. It is quite disingenuous for QSI to claim that its erroneous views have been "validated" by state regulators. *None* of the state commissions in SBC's 13-state territory reached a decision on the merits with regard to impairment for loops or transport – because the authority and standards under which they were proceeding were held to be unlawful. We are not aware of any state commission in *any* of the 50 states that reached such a decision.

35. QSI cites two states in SBC's territory to support its claim. For California, QSI cites only to a report filed by the California commission staff, which gave the staff's opinions on some of the disputed issues in the state proceedings. But the Commission itself did not endorse those opinions – in fact, it did not even authorize the staff to provide opinions.[63] Accordingly, the Commissioner assigned to oversee the California *TRO* proceedings has expressly stated that the staff's report "does not reflect the views of the Commission" and would "very likely" have been "changed in a final decision had the parties been allowed to comment on the CPUC Staff Report or had the Commission continued the proceeding."[64] QSI has once again chosen to ignore the facts.

36. Similarly, in Michigan QSI cites only to a proposed decision filed by an administrative law judge ("ALJ"). The Michigan commission was not bound to accept the ALJ's proposals, and as a general matter is free to reject any ALJ finding with which it disagrees. The parties to the Michigan proceeding, including SBC, filed extensive objections to the ALJ's proposed decisions.[65] Due to the vacatur of the rules under which the state proceedings were conducted, the Michigan commission terminated its proceedings on loops and transport without reaching its own decision.

Conclusion

37. In summary, the evidence assembled in the state *TRO* proceedings confirms SBC's conclusion here, that CLECs are not impaired without unbundled access to dedicated transport and high-capacity loops, particularly in higher-density markets, even though the vacated rules and accelerated schedules under which the state proceedings were conducted resulted in them *understating* the extent of

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62 *Id.*; SBC Comments Attach. A-MI Ex. 7 Part 18; SBC Comments Attach. A-IL Ex. 7 Part 6A (item 6), 6B (item 1).

63 Letter from Cmr. Susan P. Kennedy, Cal. Pub. Utils. Comm'n, to Marlene H. Dortch, Secretary, FCC, at 1, 2 (Oct. 18, 2004).

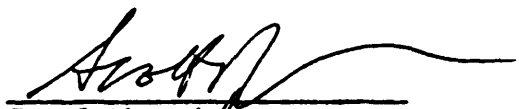
64 *Id.* at 1, 2.

65 Michigan PSC Comments, Record Submission for Case No. U-13796, SBC Michigan's Exceptions to the Proposal for Decision (filed May 21, 2004).

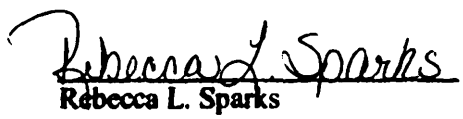
competitive deployment. QSI and the CLECs advocate a contrary position by ignoring or mischaracterizing the evidence. The Commission should reject their faulty analysis and focus on the hard evidence demonstrating non-impairment.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on November 9, 2004.



Scott J. Alexander



Rebecca L. Sparks

Attachment

BEFORE THE
ILLINOIS COMMERCE COMMISSION

DOCKET NO. 03-0596

REBUTTAL TESTIMONY OF

GARY J. BALL

ON BEHALF OF

AT&T COMMUNICATIONS OF ILLINOIS, COVAD COMMUNICATIONS COMPANY, WORLDCOM, INC. D/B/A MCI, ACCESS ONE, INC., CIMCO COMMUNICATIONS, INC., FOCAL COMMUNICATIONS CORPORATION, FORTE COMMUNICATIONS, INC., GLOBALCOM, INC., MPOWER COMMUNICATIONS, XO ILLINOIS, INC., TDS METROCOM, LLC, and MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.

Regarding Dedicated Transport and High Capacity Loops

JOINT CLEC EXHIBIT 2.0

February 4, 2004

certainly have an interest in making sure that they have access to UNEs where they do not have the capability of providing service, as well as ensuring that there is a workable transitional mechanism to allow them to convert to their own facilities where possible.

Q15. BY RECOMMENDING THAT THE COMMISSION MAKE A "PROVISIONAL FINDING" OF NON-IMPAIRMENT FOR 122 BUILDINGS, DR. LIU IS INDICATING THAT UNVALIDATED GEORESULTS DATA CAN BE USED BY SBC AS EVIDENCE TO SHOW THAT THE TRIGGERS ARE MET FOR ENTERPRISE LOOPS. IS THIS APPROPRIATE?

A15. No. Even if CLECs are actually providing service into a building identified by GeoResults data, GeoResults does not have any information as to the nature, the capacity levels, or the operational readiness of the CLEC service. GeoResults would certainly be a good starting point for identifying CLECs who may be providing services, but the GeoResults information must be validated, and details about the nature of the services, either from the CLECs serving the building or from other independent sources, must be obtained.

Q16. HAVE OTHER AMERITECH STATES USED A DIFFERENT APPROACH THAN THAT USED BY SBC ILLINOIS TO COLLECTING DATA FROM CLECS?

A16. Yes. Ohio and Wisconsin both implemented a process in which the Commission staff sent a simple list of questions to the CLECs asking the locations and routes for which they provide loops and dedicated transport service. For these locations and routes, the CLECs were able to provide specific responses, and the result is a much more accurate and manageable record. As a result of this approach, SBC requested non-impairment findings for a significantly lower number of buildings and routes for Wisconsin and Ohio than it did for Illinois.